

## REMARKS

This application has been reviewed in light of the Office Action dated March 28, 2005. Claims 25-45 are presented for examination, of which Claims 25, 32, and 39 are in independent form. Claims 25, 32, 34, 35, 37-39, and 41 have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 34-38 were objected to for being directed towards an apparatus, yet being drafted in a manner consistent with a method claim. Applicants have amended Claims 34, 35, 37, and 38 so that they are consistent with their base claims. Withdrawal of this objection is respectfully requested.

Claims 25-30, 32-37, and 39-44 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,313,875 (Suga et al.) in view of U.S. Patent 5,625,415 (Ueno et al.), and Claims 31, 38, and 45, as being obvious from *Suga* in view of *Ueno* and U.S. Patent 6,522,354 (Kawamura et al.).<sup>1</sup>

Independent Claim 25 is directed to a control method of remotely controlling an image capture apparatus, in which a captured image sent from the image capture apparatus is captured, and a shape of a frame to be set within the captured image is selected. An area of the frame is set, and a first command including first and second data is sent to the image capture apparatus. The first data indicates a shape selected in the shape selection step, and the second

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<sup>1</sup> It is noted that the Office Action does not list all the claims to which the rejection in paragraph 7 apparently applies; in a conversation one of the Applicants' attorneys had with the Examiner on April 19, 2005, the Examiner confirmed that the above recitation of the claim rejections is correct.

data indicates an area set in the area setting step.

Notably, Claim 25 includes sending, to an image capture apparatus, a first command which includes (1) first data indicating a shape selected in a shape selection step, and (2) second data indicating an area set in a area setting step. That is, as recited in Claim 25, the first and second data are sent together to the image capture apparatus.

Suga et al. relates to an image pickup control apparatus and method in which other control apparatuses are inhibited from controlling a camera. The image pickup control apparatus and method displays, on a screen, an image picked up by a camera and transmitted through a communications system. A plurality of control devices may control the camera through the communications system. When one of the control devices is in control of the camera through the communications system, the other control devices are inhibited from controlling the camera.

Ueno et al., as understood by Applicants, relates to an imaging system including a computer-controlled electronic camera, in which it is intended to shorten the time required for transmission of data from the camera to a host. Upon the host issuing a preview-image command to the camera, image data stored in the camera is reduced to 1/8 size by pixel deletion, and the result is sent to the host and displayed there. If the user designates an area of interest and desired resolution, and issues a get command, image data for that area, at the designated magnification (resolution), is then sent to the host.

At paragraph 2 of the Office Action, the Examiner states:

Regarding claim 25, applicant argues that neither Suga nor Ueno teaches “a first command that includes data indicating a shape selected in the shape selection step and data indicating

an area set in the area setting step”... Although neither Suga nor Ueno teaches that the shape and area of the frame are sent together, this is not a requirement of the claim language. The claim only states a first command setting<sup>2</sup> step of sending a first command, wherein the first command includes shape and area data.

First, Applicants repeat their Remarks presented in the Amendment filed on November 4, 2004. Second, Applicants note the Examiner’s above-mentioned comments, and submit that nothing in Suga et al. or Ueno et al., whether considered either separately or in any permissible combination (if any) would teach or suggest sending, to an image capture apparatus, a first command which includes (1) first data indicating a shape selected in a shape selection step, and (2) second data indicating an area set in a area setting step, as recited in Claim 25. That is, nothing in Suga et al. or Ueno et al., whether considered either separately or in any permissible combination (if any) would teach or suggest that the recited first data and second data are sent together to the image capture apparatus.

Accordingly, it is believed to be clear that Claim 25 is allowable over Suga et al. and Ueno et al., taken separately or in any permissible combination (if there is any).

Independent Claims 32 and 39 are respectively an apparatus claim and a storage medium claim corresponding to method Claim 25, and are allowable over *Ueno* for at least the reasons presented above in connection with the latter claim.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references

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<sup>2</sup> It is noted that the word “setting” is an apparent typographical error, as the claim recites “sending”.

against the independent claims herein. Those claims are therefore believed patentable over the art of record.

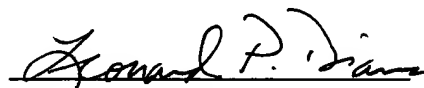
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leonard P. Diana", written over a horizontal line.

Leonard P. Diana  
Attorney for Applicants  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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